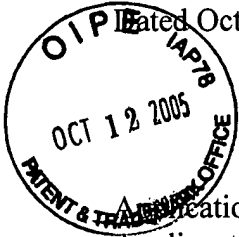


Application No. 09/996,849

Petition For Revival Of An Application Abandoned Unintentionally

Dated October 12, 2005



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/996,849
Applicant(s): Michael K. Davis
Filed: 11/27/2001
TC/A.U.: 2654
Examiner: David D. Knepper
Docket No.: 50031.0020

Confirmation No.: 4891

Customer No: 36178

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

FEE TRANSMITTAL

Transmitted herewith is

1. Petition For Revival Of An Application Abandoned Unintentionally Under 37 CFR 1.137(b) (2 Pages)
2. Additional Statement (3 Pages)
3. Post Card

CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- ☐ deposited with the United States Postal Service in an envelope addressed to the Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ **37 C.F.R. 1.8(a)**
with sufficient postage as
first class mail.

☒ **37 C.F.R. 1.10***
as "Express Mail Post Office to Addressee,"
Mailing Label No. EQ039421653US

TRANSMISSION

- ☐ transmitted by facsimile to the Patent and Trademark Office.

Date: October 12, 2005 Signature

Alla Meyer

Alla Meyer

(type or print name of person certifying)

FEE PAYMENT

- [] Attached is a check in the sum of \$ _____.
- [X] Charge Account No. 502398 the sum of \$ 750.00.
A duplicate of this transmittal is attached.

FEE DEFICIENCY

NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33).

- [x] If any additional extension and/or fee is required, charge Account No. 502398.

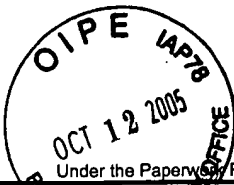
AND/OR

- [x] If any additional fee for claims is required, charge Account No. 502398.

Date: October 12, 2005

Lee G. Meyer
SIGNATURE OF PRACTITIONER

Lee G. Meyer
(type or print name of practitioner)
Reg. No. 27,216
Meyer & Associates, LLC
17462 E. Powers Drive
Centennial, CO 80015-3046
Tel. No. 720-870-5845
USPTO CUSTOMER NO. 36178



10-13-05

DAC
ZFW

PTO/SB/64 (07-05)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

50031.0020

First named inventor: Michael K. Davis

Application No.: 09/996/849

Art Unit: 2654

Filed: 11/27/2001

Examiner: Kneeper, David D.

Title: INTEGRATED SYSTEM AND METHOD FOR ELECTRONIC SPEECH RECOGNITION AND TRANSCRIPTION

CUSTOMER NO. 36178

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee☒ Small entity-fee \$ 750.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in
the form of AMENDMENT PURSUANT TO 37 CFR §1.111 (identify type of reply):

- ☒ has been filed previously on March 11, 2005.
☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____.

- ☐ has been paid previously on _____.
☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

09996849

10/14/2005 TBESH/H1 00000017 502398

01 FC:2453 750.00 DA

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

<u>Lee G. Meyer, Esq.</u> Signature	<u>October 12, 2005</u> Date
<u>Lee G. Meyer, Esq.</u> Typed or printed name	<u>27,216</u> Registration Number, if applicable
<u>17462 E. Powers Drive</u> Address	<u>720-870-5845</u> Telephone Number
<u>Centennial, CO 80015</u> Address	

- Enclosures: ☒ Fee Payment
- ☐ Reply
- ☐ Terminal Disclaimer Form
- ☒ Additional sheets containing statements establishing unintentional delay
- ☒ Other: Transmittal and Post Card/ Transmitted as Express Mail - EQ039421653US

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

October 12, 2005
Date

Alla Meyer
Signature

Alla Meyer
Typed or printed name of person signing certificate



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/996,849

Confirmation No.: 4891

Applicant(s): Michael K. Davis

Filed: 11/27/2001

TC/A.U.: 2654

Examiner: David D. Knepper

Docket No.: 50031.0020

Customer No: 36178

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION FOR REVIVAL OF AN APPLICATION
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Sir:

This petition is filed in response to the Notice of Abandonment dated October 6, 2005 and received by Applicants' Attorney on October 11, 2005.

The entire delay in filing the required reply, from the due date for the required reply until the filing of a grantable petition under 37 CF 1.137(b), was unintentional. Specifically, the above referenced application ('849 Application) was filed on November 27, 2001 and published on May 29, 2003. Applicants' Attorney prior to publication contacted Mr. Knepper, the Examiner of record, regarding the status of examination. On July 15, 2004 a Non-Final Office

CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☒ deposited with the United States Postal Service in an envelope addressed to the Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

☐ **37 C.F.R. 1.8(a)**
with sufficient postage as
first class mail.

☒ **37 C.F.R. 1.10***
as "Express Mail Post Office to Addressee,"
Mailing Label No EQ039421653US

TRANSMISSION

☐ transmitted by facsimile to the Patent and Trademark Office.

Date: October 12, 2005

Signature

Alla Meyer

(type or print name of person certifying)

Alla Meyer

Action was mailed to the Applicants' Attorney of record setting a three-month shortened statutory period for response. Concurrently, the same Applicants had a continuation application (Serial No. 09/351,542) pending before the United States Patent and Trademark Office. This application had received an action setting a one-month statutory period for response. Applicants' Attorney inadvertently placed the '849 Application in the same category for response as the concurrently pending continuation application, thus, incorrectly indicating a five-month statutory extension of time was available for the '849 Application from the docketed date of October 15, 2004.

Applicants' Attorney maintains customer number and, therefore, has access to all pending applications on PAIR for which he is attorney of record. The '849 Application carries such a customer number and has for over two years. Because of the above inadvertent docketing error, the '849 Application unintentionally became abandoned January 18, 2005 without Applicants Attorney's knowledge. Specifically, the Examiner did not notify Applicants' Attorney of the status and nothing was carried on PAIR indicating the application was abandoned.

Two months later, on March 11, 2005, unaware of the abandonment of '849 Application, Applicants' Attorney filed an Amendment under 37 CFR 1.111 in full response to the Office Action dated July 15, 2004 and requested a five-month extension of time, including the required fee of \$1,080.00 (small entity). The extension of time was granted (see PAIR) and the fee along with the response was accepted and docketed by the United States Patent and Trademark Office without comment or indication that the '849 Application had been abandoned.

During the interim from March 11, 2005 until October 11, 2005, when the Notice of Abandonment was received by Applicants' Attorney, Applicants' attorney at least weekly monitored PAIR. During this entire time no indication was forthcoming regarding the abandonment of the '849 Application. In fact, on or about Thursday, October 6, 2005, PAIR carried an indication that a "Non-Final Office Action" had been issued in the '849 Application, but this action was not available to be viewed as part of the file wrapper. Applicants' Attorney spoke with Mr. Kneeper, the Examiner of record, today (October 12, 2005), and determined that even Mr. Kneeper was unaware that the '849 Application had become abandoned and only discovered this situation inadvertently in checking his case status.

Thus, up until receipt of the Notice of Abandonment on October 11, 2005, Applicants' Attorney had no knowledge of the abandoned status of the '849 Application. Obviously, since

Appl. No. 09/996,849
Petition For Revival Of An Application Abandoned Unintentionally
Dated October 12, 2005

Applicants' Attorney had responded to the outstanding office action and paid five-month "extension of time" fee, Applicants had no intention of abandoning the '849 Application. Moreover, since the '849 Application had been pending examination for almost three years, the '849 Application was published. This publication thus precludes Applicants refilling with a later date and works a substantial hardship on Applicants who had intended, from the filing of the '849 Application to the Notice of Abandonment, to prosecute the '849 Application to issuance and had no knowledge that the '849 Application had been inadvertently abandoned.

Applicants' Attorney, in good faith, believed that the '849 Application was awaiting action on the March 11, 2005 response. Applicants' Attorney is filing this petition with the requisite fee immediately upon learning of the abandoned status of the '849 Application.

WHEREFORE, Applicants' Attorney hereby requests early action in granting this Petition for Revival of an Application for Patent Abandoned Unintentionally.

Date: October 12, 2005

Lee G. Meyer

Signature of Practitioner

Reg. No.: 27,216

Lee G. Meyer

Tel. No.: 720-870-5845

Meyer & Associates, LLC

PTO Customer No. 36178

17462 E. Powers Drive

Centennial, CO 80015-3046